IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 17874 of 2005

Between:

Smt. R. Kondamma W/o. Late Kondaiah
R/o. G.Bhimavaram Village, Kasimkota Mandal

Visakhapatnam District.

..... PETITIONER

AND

The District Collector
Visakhapatnam District Visakhapatnam.

.....RESPONDENT

ORDER:

This writ petition filed seeking writ of mandamus declaring the action of the respondent in not passing any orders on the application of the petitioner dated 04.04.2005 by exercising the powers conferred under A.P. Rights in Land and Pattadar Passbook Act, 1971 as arbitrary and illegal and consequently direct the respondent to dispose of the application of the petitioner dated 04.04.2005 by following the procedure prescribed under Section 9 of the A.P. Rights in Land and Pattadar Passbook Act,1971 (for short “the Act”).

The case of the petitioner is that her husband died issueless leaving the petitioner as his sole legal heir and as such she became the owner of 0.57 cents of land in Survey No. 18/13, 18/14 of G.Bhimavaram Village, Kasimkota Mandal and she has been in possession of the same. The petitioner submits that taking advantage of death of her husband, the nephew of her husband Mr R.Appalanaidu tried to interfere and dispossess her from the said land, and then she filed a civil suit, seeking injunction. In the said suit the said R.Appalanaidu produced a pattadar pass

book alleged to have been issued in his favour by the MRO, Kasimkota in respect of the land in question. As per Section 5(3) of the Act the Mandal Revenue Officer shall issue notice to all the persons who are interested or affected in the land in question, before issuing pattadar pass books. In this regard the petitioner made a representation to the respondent on 04.04.2005, who is empowered under Section 9 of the said Act to modify or reverse the action taken by the MRO in issuing the above said pattadar pass book in favour of R.Appalanaidu. But the respondent has not taken any steps on her representation, therefore, the petitioner is constrained to file this writ petition.

Heard the counsel on either side.

Admittedly, the representation of the petitioner dated 04.04.2004 is pending consideration before the respondent and the respondent has to pass appropriate orders thereon in accordance with law.

Having regard to the facts and circumstances of the case I deem it appropriate to dispose of the writ petition at the stage of admission with a direction to the respondent to consider the representation of the petitioner dated 04.04.2005 and pass appropriate orders thereon in accordance with law within a period of five weeks from the date of receipt of a copy of this order.

With the above directions the writ petition is disposed of. No costs.

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12-08-2005

Note: cc in 2 days.

kvrm